

Before the  
Federal Communications Commission  
Washington, D. C. 20554

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In the Matter of

Amendments to the amateur service ) WT Docket No. 95-57  
rules including recognition of the )  
volunteer session manager, and )  
amendments for examination )  
credit. . . . )

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COMMUNICATIONS

Comments  
of

Winford H. Guin, W2GLJ, 2138 Sonning Dr, Germantown, TN 38138

I commend the Commission for the proposed requirement in the rules of an on-site manager at each amateur radio license examination session. And, I recommend the addition of paragraph (e) and changes to the wording of paragraphs (b) and (d) of the proposed new Section 97.515, as well as a change in wording of the definition of the VE session manager proposed for Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, to read as follows:

**Suggested wording of the Proposed new Section 97.515 (b) and (d), and the addition of (e):**

(b) Before each examination session, the VE session manager must ensure that a public announcement is made stating the date, time and location of the session. The number of examinees may be limited.

(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs and a list of the results of test elements taken by each examinee.

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(e) The log should contain a certification statement dated and signed by the VE session manager that reads as follows: "I certify that the administration of this testing session complies with Part 97 of the Commission's Rules and with the instructions provided by the Coordinating VEC and the FCC."

**Suggested wording of the definition of the VE session manager proposed for Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations:**

VE session manager. The VE designated by the coordinating VEC to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur operator licenses are administered.

**Discussion of suggested wording of the Proposed new Section 97.515 (b) and (d), and the addition of (e):**

**(b) Before each examination session, the VE session manager must ensure that a public announcement is made stating the date, time and location of the session. The number of examinees may be limited.**

In actual practice, the VE session manager is not necessarily the individual who makes the announcement of pending testing sessions. Instead, it is made by the net control station of UHF and VHF nets, printed in publications, placed on bulletin boards, and various other ways. It is considered a community service by most providers and that is what amateur radio is all about -- serving the community in which they reside.

Granted, if no one contributes this service the VE session manager must realize that it is his/her responsibility to handle it personally. We need to continue to encourage this wide dissemination of such testing activities and not discourage it by requiring that this individual personally make an announcement. This is also one more reason why the VE session manager should sign a certification regarding administration of a testing session, as discussed in (e) below, because adherence to all of the rules attendant to a testing session should be expected of the VE session manager.

**(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs, and a list of the results of test elements taken by each examinee:**

The primary need for a session manager at each testing session is to have a knowledgeable amateur radio licensee designated to be present throughout a testing session to ensure that the session is conducted professionally and in accordance with rules established by the FCC and the coordinating VEC. To me, other than the need for certification of this fact, the detailed contents of a log beyond that enumerated in (d) above takes on importance of a secondary or even tertiary nature.

This suggested change in wording is intended to hold to a minimum the additional workload that can be reasonably placed on the session manager. The requested change is also influenced by the fact that VECs who administer exams to in excess of 90% of all candidates already document, as a minimum, all of the log contents suggested in the wording of (d) above. That is, the VEC forms called Candidate Rosters, Manifests of Applicants, and Session Summaries list the names of the examinees, the administering VEs, and indicate each element taken by candidates and whether they passed or failed each element.

On the other hand, it should be noted that none of such manifests contains information regarding the three VEs who administered and graded each test element because this information is recorded on the individual test papers that are collected by the VE session manager and are retained for 15 months. This may appear to be an insignificant requested change in wording, and it is in so far as it pertains to any lessening of integrity at the examination session; however, I can assure the Commission that it is no small matter when you ask a session manager to take the time to copy such redundant data from each element examination paper that must be retained for 15 months. We should also be cognizant of the fact that these existing manifests could, with the addition of

statement (e) below, become the VE session managers' log in full satisfaction of the Commission's request for a VE session manager log.

**(e) The log should contain a certification statement dated and signed by the VE session manager that reads as follows: "I certify that the administration of this testing session complies with Part 97 of the Commission's Rules and with the instructions provided by the Coordinating VEC and the FCC."**

Having served in the capacity of a session manager attempting to satisfy the very intent and meaning of this NPRM, and training other VEs to do the same, I would not hesitate for a minute to sign such a certification as to the role I have administered. Furthermore, it is that experience that drives me in a very significant way to plead for such inclusion on the session log. If there is one common goal in the minds of the FCC and each VEC, it is attaining the highest possible level of integrity in the volunteer license examination process. Any designated VE session manager who would hesitate to certify an examination session should not, in this writer's opinion, serve in that important capacity.

A certification of this nature would take the volunteer examination process a major step forward not only in regard to written confirmation of compliance to the intended role of the manager, but at the same time satisfy the propriety of having a single VE in a position to testify to the VEC, the FCC, or any other authority as to the efficacy of a testing session.

**Discussion of suggested change in wording of the definition of the VE session manager as proposed for Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations:**

**VE session manager. The VE designated by the coordinating VEC to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur licenses are administered.**

Based upon experience over the past five years acting in the capacity of a VE session manager, I have found that individual licensees who seem to garner the

highest number of popularity votes in a community of licensees do not necessarily equate to the licensee with the highest degree of integrity. Assuming that is enough to be said on the subject, a question arises as to the objectivity of the FCC Rules providing that **administering VEs** designate the VE session manager, particularly when it is not necessary to do so.

The role of the VE session manager is by the very intended provisions of this NPRM to be an extension of the arm of the VEC. They are to be present throughout the testing session doing exactly what the VEC would do if they could be there. Basic management theory tells us that the VEC can delegate authority, however, they cannot delegate responsibility; and yet, the VE will in this role come as close as humanly possible to exercising the responsibility of the VEC. Some VECs are so large and dispersed across the country that they do not and cannot have their ear to the ground and mingle frequently with those involved in the testing programs, but there are many other VECs who can and do get to know the VEs they place in the position of VE session manager.

These differences in operation are understandable, and FCC Rules should complement both and not in any way be a stumbling block to the success of either. My suggested wording for the definition of a VE session manager is intended to capture the better of these two worlds for all VECs. That is, let the rules state that the VE session manager is **designated by the VEC** so that the VEC is thereby set free to operate in their desired fashion and be in full compliance with such rules. If the VEC wishes to designate their session managers, they will be in full compliance with the rules. If the VEC wishes to accept them by mail, phone, or fax, they will still be in full compliance with the rules. What is possibly of even more importance is the fact that the FCC Rules will not indicate that selection of one of the key role players in their successful volunteer examination process is being left to a local popularity contest. It may very well obtain that

many of the VE session managers will end up being one chosen by the administering VEs. However, it is like waving a red flag in the face of a bull to those standing on the sidelines ready to criticize any questionable step in the volunteer license examination process, and it is like playing a trump card when it is totally unnecessary to do so. This is a card that should be left in the hands of the VEC.

I believe these four recommendations are responsive to the needs of the FCC, the VECs, the VEs and the public; therefore, I ask the Commission to consider them in the proposed recognition of the volunteer examiner session manager.

On the other hand, I disagree with the proposal to amend the rules for examination credit for the following six reasons: first, it is totally contrary to the requirements of other associations that require a minimal level of expertise to participate in a chosen activity; second, it undermines the historical correctness of procedures consistently followed by the Commission for many years; third, it lends credence to what a large body of citizens as well as Congressional leaders in our country presently perceive as a major ill fostered by governmental agencies; fourth, it is totally inconsistent with an announced purpose of the proposed rule change; fifth, it does not relieve the VEs from any burden and in effect increases the workload of both the VEs and the VECs; and sixth, in the absence of other changes to the rules it introduces lingering inconsistencies in the application of the Commission's Rules.

**First, it is totally contrary to the requirements of other associations that require a minimal level of expertise to participate in a chosen activity:**

A review of the examination requirements of associations that have some form of minimal expertise as a requisite for participation similar to the amateur radio operator license will disclose that if one permits their license to expire they must

undergo some form of training, refresher course, and even retesting. This is true for all of the activities in which we engage, even the privilege to drive an automobile.

It is a simile to equate the fact that current amateur radio licensees do not have to be tested in order to renew their license to the act of automatically renewing the license of individuals that expired twenty, forty, or even seventy-years ago. It would not take much empirical research to disclose that the level of knowledge of current FCC Rules and Regulations of these two groups would not be comparable. This is not unique as we could not expect the knowledge level of any other associations to be comparable following such long periods of absence from an endeavor.

If it is assumed by the Commission that former license holders still possess this minimal knowledge, then why not let the VEs test them and prove it? If, on the other hand, it is not necessary for an amateur radio operator to possess a minimal level of expertise, then why does the FCC require license testing for anyone?

**Second, it undermines the historical correctness of procedures consistently followed by the Commission for many years:**

For many years amateur radio license holders have let their license expire and then in later years experience the rekindling of interest the ARRL speaks of and those former hams have gone back to the current FCC Rules and with minimal study obtained a new operator license. It happens every day and has happened for many years. This ham, and I am sure that all hams who have been around awhile, know personally of many former license holders who have followed this time honored practice. I have assisted numerous such individuals, and not one has ever complained to me that such retesting was unfair. Why would the Commission even give serious consideration to changing a procedure that we have every reason to believe has proven to be fair and successful for these many years? Everyone is

aware of the giant steps the Commission has taken to assist handicapped individuals; therefore, why in this case do we attempt to fix something that no one other than the ARRL seems to consider broken. Unfortunately, in the process we will be sending a message to all those hams who followed the time honored procedures of the FCC telling them that they were foolish because all they had to do was wait and some governmental agency would hand them a license, no questions asked.

**Third, it lends credence to what a large body of citizens as well as Congressional leaders in our country presently perceive as a major ill fostered by governmental agencies:**

It is a well-known fact that a very large segment of our public believe that governmental agencies sit in Washington and dream up ways to undermine any existing propensity of the American people to expect to earn their way in life. One only has to listen to the discussions being held currently in our Congress to realize that our leaders there are telling us, on a bipartisan basis, that this is a real current illness that must be corrected. Even the proposal of this change in the rules places the FCC in the forefront of fostering the very illness Congress tells us to correct. At the same time, we hear how tragic it is that our schools are graduating students who can't read, and now the rules will say yes, that is perfectly all right because former licensees do not have to read. The airways are a precious commodity and have enough garbage on them now without loading them down with additional licensees who do not even have to demonstrate that they know the current rules for utilizing the airways; meanwhile, the FCC Rules will require that all other candidates for a license must demonstrate such knowledge.



**Fourth, it is totally inconsistent with an announced purpose of the proposed rule change:**

This proposed rule change is contrary to the announced purpose that it is to encourage former amateur operators to become involved again in technical self-training because it exempts former license holders from the self-training necessary to become current on FCC Rules that are mandatory for all other license candidates. It is discouraging that the Commission proposes to discontinue a program of licensing that has for many years encouraged development of the personal attributes of initiative and self-development within the amateur community.

It would be interesting to know how much polling was conducted before arriving at the conclusion that a grievous error has been fostered upon the amateur community these past sixty or seventy-years by requiring retesting for license renewals involving expired licenses. On the basis of observing discussions on this matter in my community of hams, no one appears to be questioning the correctness of this time honored practice. In fact, while it does not approach the tenants of empirical polling, in those discussions observed where a vote was taken over ninety percent of the amateurs voted thumbs down on this proposed rule change. It was interesting to observe such voting at a local amateur radio store where the owner stated to the group involved in the discussion that he probably should be in favor of the proposal because he might sell a few additional radios, however, he could not favor it because as he said, "it is simply wrong". I believe his exact words were that the proposed rule change contributes to "unadulterated laziness."

If the thinking expressed in the cases I have observed are any indication of the mood one would find existing throughout the amateur community, and I believe they are, then the Commission should stop, look, and listen in regard to this

proposed rule change because they appear to be driving head strong in a direction directly opposed to that desired by a far majority of the public they serve.

**Fifth, it does not relieve the VEs from any burden, and in effect increases the workload of both the VEs and the VECs:**

It does not, as the Notice of Proposed Rule Making claims, relieve VEs of any burden. On the contrary, it places a heavier workload on them akin to their present burden of discerning whether or not a Technician class licensee should be grandfathered for Element 3B. VEs have an assembly line process whereby they can easily accommodate additional candidates for testing, however, processing former license holders would be a paper nightmare. At least in the grandfathering of Element 3B the nightmare only pertains to one class of license and the open period ends on March 21, 1987. Consider for a moment the present burden on VEs of determining whether or not one class of licensee, the Technician, earned such license prior to March 21, 1987, in order to exempt them from retesting on Element 3B. And then, compare that to the awesome burden of a VE determining whether or not an individual at one or more time periods during the past sixty or seventy-years held either a Novice, Technician, Conditional Technician, General, Conditional General, Advanced, Extra Class, or whatever license. Certainly, the Commission will require some kind of proof in order to hold improper granting of licenses to a minimum, but the review of such proof will still rest upon the VE. Adoption of this proposal would not relieve the VEs of any burden.

Also, if one considers this additional burden on the VEs to be troublesome, and I do, then the additional burden on VECs would be even worse. Consider for a moment the fact that this petition provides that these former license holders would be granted all rights and privileges of Part 97. Consider also that any reasonable analysis of their numbers would show that all of them are 18 years of age or older, and that approximately 80-90+% of them will be granted license classes of

General and above. This means that in accordance with Part 97, 80-90+% of them will immediately be qualified to become VEs. It does not matter that many of them would respond to questions from candidates being tested to the effect that they must keep a log of their radio contacts, that they cannot obtain an amateur radio license in a call area other than the one in which they presently reside, that they cannot order a pizza using amateur radio via their 2-meter repeater as that would be a business contact, that they cannot go on the air as a new ham until they have in their possession the newly earned operator license; and, the list goes on and on until one covers all of the many changes in FCC Rules that have taken place in past years. We all know very well that it does matter, consequently, these license holders must be trained on current FCC Rules and Regulations and who else but the VEC will get the job.

It is an established fact that candidates for amateur radio licenses look to the VE as one who knows the FCC Rules and Regulations and they ask them many questions during the process of license examinations. Until now, it has been assumed that this is one of the reasons why VEs who hold General and Advanced class licenses have not been permitted to examine candidates for the higher class licenses as they have not yet demonstrated that they know the subject under examination. Adoption of this proposal would suggest that the VE-VEC operational procedures should be revisited.

**And sixth, in the absence of other changes to the rules, it introduces lingering inconsistencies in the application of the Commission's Rules:**

If the Commission takes the position that former amateur radio license holders should be permitted to reenter the amateur service without examination, then the principle of consistency and the doctrine of fairness suggest that significant rule changes should be made. To mention a few of them, consideration should be given to elimination of the present limited life of such licenses, and there is no

reason to stop there as all licenses issued by the Commission that require demonstration of a satisfactory level of proficiency should be considered lifetime privileges.

One can readily perceive that once the Commission has opened the door in this manner, there are numerous time limitations within the amateur operator license arena alone that should be revisited. For example, Certificates of Successful Completion of Examinations (CSCEs) issued by Volunteer Examiner Coordinators (VECs) carry FCC acceptance for 365 calendar days following their issuance, however, there would be no reason why such certificates should not be for the lifetime of the candidate. Also, it could be argued that the FCCs present one-year recognition of Physician's Certification of Disability should be increased to the lifetime of its holder.

In conclusion, it has not been demonstrated that this change in the rules is responsive to the needs of the public; therefore, I encourage each Commissioner to withdraw their support of the proposed amendments for examination credit included in this Notice of Proposed Rule Making adopted by the Commission on April 25, 1995.

Respectfully submitted,



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June 26, 1995

Summary of Comments on WT Docket No. 95-57  
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**Comments on Recognition of the volunteer examiner session manager:**

I agree with the proposed recognition of a VE session manager in the Commission's Rules and suggest the addition of paragraph (e) and changes to the wording of paragraphs (b) and (d) of the proposed Section 97.515, as well as a change in wording of the definition of the VE session manager proposed for Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations.

Suggested wording of the proposed new Section 97.515 (b) and (d), and the addition of (e):

**(b) Before each examination session, the VE session manager must ensure that a public announcement is made stating the date, time and location of the session. The number of examinees may be limited. (pg. 2)**

In practice, this announcement is being made by the net control station of UHF and VHF nets, printed in publications, placed on bulletin boards, and in various other ways. This wording fosters that practice and places responsibility for the action and not the action itself in the hands of the VE session manager.

**(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs, and a list of the results of test elements taken by each examinee. (pg. 3)**

The VECs manifests for over 90% of candidates presently tested contain the information listed above; therefore, such manifests with addition of the certification in (e) below could serve as the VE session managers' log. The names of VEs certifying to individual test elements are reflected on the test papers which are retained for 15 months. It would be both redundant and too burdensome a load to place on the manager to require transcription of this voluminous data to the manifests.

**(e) The log should contain a certification statement dated and signed by the VE session manager that reads as follows: "I certify that the administration of this testing session complies with Part 97 of the Commission's Rules and with the instructions provided by the Coordinating VEC and the FCC." (pg. 4)**

This certification would take the volunteer examination process a major step forward not only in regard to written confirmation of compliance to the intended role of the manager, but at the same time satisfy the propriety of having a single

VE in a position to testify to the VEC, the FCC, or any other authority as to the efficacy of a testing session.

Suggested wording of the definition of the VE session manager proposed for Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations:

**VE session manager. The VE designated by the coordinating VEC to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur licenses are administered. (pg. 4)**

It is recommended that the rules provide that the VE session manager be designated by the coordinating VEC rather than by the administering VEs. The FCC Rules should complement existing differences in operations of the VECs. In this manner, if the VEC wishes to designate their session managers they will be in full compliance with the rules, and if they want to accept them by mail, phone, or fax, they will still be in full compliance. The rules should not suggest that the only way to designate the manager is by a local popularity contest.

**Comments on amendments for examination credit:**

It has not been demonstrated that this change in the rules is responsive to the needs of the public; therefore, I encourage the Commissioners to withdraw their support of the proposed amendment for examination credit for the following six reasons:

**First, it is totally contrary to the requirements of other associations that require a minimal level of expertise to participate in a chosen activity. (pg.7)**

In other associations, licensees must undergo some form of training, refresher courses or retesting when their license is permitted to expire. If the Commission assumes that former license holders still possess this minimal knowledge, then why not let the VEs test them and prove it? If, on the other hand, it is not necessary for an amateur radio operator to possess a minimal level of expertise, then why does the FCC require license testing for anyone?

**Second, it undermines the historical correctness of procedures consistently followed by the Commission for many years. (pg. 7)**

Why would the Commission even give serious consideration to changing a procedure that we have every reason to believe has proven to be fair and successful for these many years? Everyone is aware of the giant steps the Commission has taken to assist handicapped individuals; therefore, why in this case do we attempt to fix something that on one other than the ARRL seems to consider broken.

**Third, it lends credence to what a large body of citizens as well as Congressional leaders in our country presently perceive as a major ill fostered by governmental agencies. (pg. 8)**

It is a well known fact that a very large segment of our public believe that governmental agencies sit in Washington and dream up ways to undermine any existing propensity of the American people to expect to earn their way in life. One has only to listen to the discussions being held currently in our Congress to realize that our leaders there are telling us, on a bipartisan basis, that this is a real current illness that must be corrected. Even the proposal of this change in the rules places the FCC in the forefront of fostering the very illness Congress tells us to correct.

**Fourth, it is totally inconsistent with an announced purpose of the proposed rule change. (pg. 9)**

This proposed rule change is contrary to the originally announced purpose that it is to encourage former amateur operators to become involved again in technical self-training because it exempts former license holders from the self-training necessary to become current on FCC Rules that are mandatory for all other license candidates.

**Fifth, it does not relieve the VEs from any burden and in effect increases the workload of both the VEs and the VECs. (pg. 10)**

This rule change would place an additional burden on VEs similar to, but much more pronounced than, the present requirement of determining whether or not a Technician earned their license prior to March 21, 1987 in order to exempt them from retesting on Element 3B. Also, an additional burden would be placed on the VECs resulting from the necessity to train these new VEs on current FCC Rules and Regulations from which they were exempted by the provisions of this proposed rule change.

**And sixth, in the absence of other changes to the rules it introduces lingering inconsistencies in the application of the Commission's Rules. (pg.11)**

Adoption of this proposed rule change would certainly suggest that serious consideration should be given to elimination of the limited life of the amateur radio operator license as well as all such licenses granted by the Commission which require the demonstration of a satisfactory level of proficiency. Also, in order to eliminate inconsistencies, the life of Certificates of Successful Completion of Examinations (CSCEs) issued by Volunteer Examiner Coordinators (VECs) and possibly the Physician's Certification of Disability should be changed from the present 365 days to a lifetime credit.